REMARKS/ARGUMENTS

Claim Rejections 35 USC § 103

Claims 1-27 are rejected, under 35 U.S.C. §103(a), as being allegedly

unpatentable over Heinonen et al. (U.S. Patent No. 7,151,764 B1) (hereinafter

Heinonen) in view of Clark (U.S. Publication No. 2001/0011254 A1) (hereinafter

Clark). The Applicants respectfully traverse the rejection in view of the following.

Claims 1-22:

Independent Claim 1 recites:

"A method of connecting to a wireless communication access point
comprising:
    a)   an initiator device broadcasting a first wireless message to a
plurality of potential access point devices, said initiator device storing therein a
list of recognized device addresses for connecting thereto;
    b)   in response to said initiator device broadcasting said first wireless
message, said initiator device receiving a plurality of second wireless messages
from a set of said plurality of potential access point devices, wherein said set of
said plurality of potential access point devices is defined by at least one physical
characteristic;
    c)   said initiator device comparing device addresses of said plurality of
second wireless messages for address matches with said list of recognized
device addresses;
    d)   applying a fitness function to address matches of said c) to
determine a single address, wherein said fitness function defines an acceptable
criteria for determining said single address; and
    e)   connecting to an access point device corresponding to said single
address."

Steps (a) – (d) are directed to identifying a single point address of an access

point device that satisfies acceptable criteria for a connection to the wireless

device.

In contrast, Heinonen discloses that the <u>user device initiates</u> a connection

by sending an inquiry packet to an access point (see Heinonen, col. 13, lines 63-

64). Heinonen further discloses that the access point responds to this inquiry

(see Heinonen, col. 13 line 66 to col. 14 line 1). The access point waits until the

user device responds with a page packet containing the user device's address

and class of device information such that the access point can select and return

an appropriate APSI message (see Heinonen, col. 14, lines 6-15). The sender's

address is matched with an address value in the trigger word table by the access

point (see Heinonen, col. 14, lines 18-22). When there is a match, an APSI

message is sent to the user device (see Heinonen, col. 14, lines 27-30).

Accordingly, Heinonen discloses communicating different messages

between the user device and the access point <u>after</u> the access point to which to

connect has been identified whereas steps (a) – (d) of independent Claim 1 are

directed to identifying the access point such that the wireless device can connect

to, which occurs <u>before</u> initiating a connection to the access point. As such,

Heinonen fails to either teach or suggest steps (a) – (d) of independent Claim 1,

which occur <u>before</u> initiating a connection to the access point.

Moreover, Applicants respectfully assert that initiating a specific message

to a specific access point as disclosed by Heinonen differs from <u>broadcasting</u> a

first message to a plurality of potential access point devices, as claimed. In other words, Heinonen discloses initiating a connection to an actual access point whereas independent Claim 1 recites broadcasting a first message to a plurality of potential access point devices, as claimed.

Furthermore, Heinonen discloses that the access point uses the information of the received packet as stimuli to be matched with trigger words stored in the trigger word table (see Heinonen, col. 9, lines 28-31). As discussed and as presented above, the trigger word table is within the access point. Moreover, Heinonen discloses that when there is a match, the APSI message is checked and sent to the mobile device (see Heinonen, col. 9, lines 34-41). Accordingly, Heinonen discloses that the access point, that is separate from the user device, performs the matching. Accordingly, Heinonen fails to either teach or suggest the recited limitation whereby the initiator device compares device addresses of the plurality of second wireless messages for address matches with the list of recognized device addresses, as claimed because Heinonen discloses that the access point performs the matching.

The rejection admits that Heinonen fails to teach applying a fitness function to address matches of the c) to determine a single address, wherein the fitness function defines an acceptable criteria for determining the single address,

as claimed. The rejection relies on Clark to remedy this failure. Applicants respectfully traverse in view of the following..

Applicants do not understand Clark to either teach or suggest the shortcomings of Heinonen as discussed and as presented above. For example, Applicants do not understand Clark to either teach or suggest that the recited steps (a) – (d) occur before initiating a connection to the access point, as claimed. Moreover, Clark fails to either teach or suggest <u>broadcasting</u> a first message to a plurality of <u>potential</u> access point devices, as claimed. Furthermore, Clark does not remedy Heinonen's failure to disclose that <u>the initiator device compares</u> device addresses of the plurality of second wireless messages for address matches with the list of recognized device addresses, as claimed.

Moreover, Clark discloses that software object makes a determination whether the execution of the original software has completed (see Clark, paragraph 325). If so, the software object saves the inputs and outputs for the entire execution of the original software (see Clark, paragraph 325). The software object then determines whether this was a first or a second execution of the original software such that eligible instructions from the second execution can be removed (see Clark, paragraph 325). The fitness of an instruction sequence is determined by matching the inputs and outputs recorded by software objects

from both the first and the second execution of the original software where the fitness of an instruction is equal to the number of input matches with corresponding output differences plus the number of input differences (see Clark, paragraph 325).

Accordingly, Clark discloses a determination of fitness of an instruction sequence. Applicants do not understand the determination of fitness of an instruction sequence to either teach or suggest applying a fitness function to address matches with the list of recognized device addresses, as claimed.

Furthermore, Clark discloses that fitness of an instruction is equal to the number input matches with corresponding output differences plus the number of input differences, thereby removing the instruction. As a result, Clark's fitness defines an instruction to be removed whereas independent Claim 1 recites that the fitness function defines an acceptable criteria for determining the single address, as claimed.

Accordingly, the combination of Heinonen and Clark fails to render independent Claim 1 obvious, under 35 U.S.C. §103(a). Independent Claim 12 recites limitations similar to that of independent Claim 1 and is patentable over the cited combination for similar reasons. Dependent claims are patentable by virtue of their dependency.

As per Claims 2 and 13, Heinonen discloses that the access point responds to the user device by sending a message having the sender's address field containing the access point's address and by having the sender's class of device field (see Heinonen, col. 13 line 65 to col. 14 line 3). The address of the access point and sender's class of devices as disclosed by Heinonen differ from the recited limitation that the physical characteristic is defined by a quantity of device threshold, as claimed.

As per Claims 4 and 15, Heinonen discloses that the user's device is required to setup all of the protocol layers in the middleware protocol group and that the time to setup all of the protocol layers may exceed the short interval during which the user's device is within a communication range of the access point (see Heinonen, col. 7, lines 55-62). Moreover, Heinonen discloses different messages that are communicated between the user device and the access point (see Heinonen, col. 14, lines 1-30). The setup time exceeding the time of being within a range as disclosed by Heinonen fails to either teach or suggest that the criteria is an occupancy level less than a predetermined threshold, as claimed.

As per Claims 5 and 16, the setup time exceeding the time of being within a range as disclosed by Heinonen fails to either teach or suggest that the criteria is signal strength greater than a predetermined threshold, as claimed. For

example, a device may be within a range but not suitable because of signal strength criteria, as claimed. As such, Heinonen fails to either teach or suggest that the criteria is <u>signal strength greater than a predetermined threshold</u>, as claimed.

As such, allowance of Claims 1-22 is earnestly solicited.

<u>Claims 23-27</u>:

Independent Claim 23 recites in a wireless device comparing the list of access point addresses on a memory cache to the list of current network access point addresses, as claimed. Independent Claim 23 further recites adding to the list of access pint addresses in the memory cache any addresses found on the list of current network access point addresses and not found on the list of access point addresses, as claimed.

As discussed and presented above, Heinonen discloses that the <u>access point</u> uses the information of the received packet as stimuli to be matched with trigger words stored in the trigger word table (see Heinonen, col. 9, lines 28-31) and that when there is a match, the APSI message is checked and sent to the mobile device (see Heinonen, col. 9, lines 34-41). Accordingly, Heinonen discloses that the <u>access point</u> that is separate from the user device performs the matching. Accordingly, Heinonen fails to either teach or suggest the recited

limitation whereby <u>in a wireless device comparing</u> the list of access point addresses on a memory cache to the list of current network access point addresses, as claimed.

Moreover, Applicants do not understand the matching by the access point as disclosed by Heinonen to either teach or suggest <u>adding</u> to the list of access point addresses, as claimed. As such, Heinonen fails to either teach or suggest adding to the list of access point addresses in the memory cache any addresses found on the list of current network access point addresses and not found on the list of access point addresses, as claimed.

The rejection admits that Heinonen fails to teach deleting from the list of access point addresses in the memory cache any addresses not found on the list of current network access point addresses and found on the list of access point addresses, as claimed. The rejection relies on Clark. Applicants respectfully traverse in view of the following.

As discussed and presented above, Clark discloses removing instructions between the first and the second execution based on the fitness/security. Removing instructions differ from deleting from the list of access point addresses in the memory cache any addresses not found on the list of current network

access point addresses and found on the list of access point addresses, as claimed.

Accordingly, the combination of Heinonen and Clark fails to render independent Claim 23 obvious, under 35 U.S.C. §103(a). Dependent claims are patentable by virtue of their dependency. As such, allowance of Claims 23-27 is earnestly solicited.

For the above reasons, Applicants request reconsideration and withdrawal of these rejections under 35 U.S.C. §103.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-27 overcome the rejections of record and, therefore, allowance of Claims 1-27 is earnestly solicited.

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